

Appl. No. 10/006,079
Response to Non-Complaint Amdt dated 04/03/2006
Reply to Office Action of 03/24/2006

REMARKS

In the above-identified Office Action, the Examiner rejected Claims 1, 6, 11 and 16 on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 - 28 of US Patent 6,915,456. Claims 1, 6, 11 and 16 were also provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 - 20 of co-pending Patent Application Serial No. 10/006,059. Claims 1 - 4, 6 - 9, 11 - 14 and 16 - 19 were rejected under 35 U.S.C. §102(a) as being anticipated by *Wide Area Network Packet Capture and Analysis*, John Meek, Dec. 3-8 2000, New Orleans, LA.

The examiner is thanked for the telephone interview of March 7, 2006. In that interview, the Examiner agreed that the amendments to the claims overcome the 102 rejection made thereto. The Examiner also agreed that the amendments also overcome the obviousness-type double patenting but said that the co-pending patent application will have to be checked to ensure that the claims (in that application) have not been changed such that the provisional obviousness-type double can still be maintained.

Applicants have amended the Specification to correct a minor typographical/grammatical error. In addition, Applicants have amended the Specification to provide the missing serial no. of a related co-pending application, to delete reference to an abandoned related application as well as to provide the patent number of a related reference.

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As mentioned before, in response to the obviousness-type double patenting, Applicants have amended independent claims 1, 6, 11 and 16 to direct the focus of the claimed invention toward *network protocol connection setup between two computers*. Since the claims in the patent are directed toward a *method of diagnosing network protocol errors using an extensible Markup Language (XML) document* and the claims in the co-pending application are directed toward a *method of performing network protocol simulation using an extensible Markup Language (XML) document*, Applicants submit that the claims, as amended, overcome the obviousness-type double patenting rejection.

Further, the independent claims were also amended to overcome the 102 rejection made thereto as well as to include the limitations of claims 2, 7, 12 and 17, respectively. Consequently claims 2, 7, 12 and 17 have been canceled. Note that no new matter has been added since support for the added limitations can be found on page 19, line 11 to page 21, line 25 as well as Figs. 8 and 9. In addition, claims 21 - 24 are added for consideration.

By this amendment, claims 1, 3 - 6, 8 - 11, 13 - 16 and 18 - 24 are pending. For the reasons stated more fully below, Applicants submit that the claims, as amended, are allowable over the applied reference. Hence, reconsideration, allowance and passage to issue are respectfully requested.

As stated in the SPECIFICATION, knowing connection establishment, translation state of each user data packet and close connection procedures of TCP/IP as well as rules

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required to implement an XML document, a software program may be written to convert TCP/IP data transactions into an XML document. The document may then be sent to an XML parser to investigate network communications problems.

The TCP/IP transactions may be acquired through an existing application program such as TCPdump, IPTrace, IPReport etc. or through a network sniffer. The present invention provides a method by which a TCP/IP network connection setup between two computers may be used to generate an XML document.

In accordance with the teachings of the invention, a method of generating an extensible Markup Language (XML) document to represent network protocol connection setup between two computers is provided. The method includes the steps of capturing data packet exchanges between two computers initiating a network connection, identifying contents of the packet exchanges, the contents including parameters indicating request for the network connection and acknowledgement of the request, and generating the XML document using the contents of the packet exchanges wherein the parameters are used to format the XML document.

The invention is set forth in claims of varying scopes of which Claim 1 is illustrative.

1. A method of generating an extensible Markup Language (XML) document to represent network protocol connection setup between two computers comprising the steps of:

capturing data packet exchanges between two computers initiating a network connection;

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**identifying contents of the packet exchanges, the contents including parameters indicating request for the network connection and acknowledgement of the request; and
generating the XML document using the contents of the packet exchanges wherein the parameters are used as elements in formatting the XML document.** (Emphasis added.)

Applicants submit that the claims as presently drafted are allowable over the applied reference.

In the *Wide Area Network Packet Capture and Analysis*, John Meek mentioned that a "fifteen minute raw packet files are summarized by a PERL program that appends its output to a daily summary file in XML format. The XML file is read by other programs for display and further analysis." (See first paragraph on the second column of page 256.)

However, nowhere in the reference does John Meek mention that data exchanges between two computers initiating a network connection are captured and their contents that **include parameters indicating request for the network connection and acknowledgement of the request are identified, in order to generate an XML document that is formatted using the parameters as elements** as claimed.

Hence, Applicants submit that Claim 1, as well as its dependent claims, should be allowable. Independent Claims 6, 11 and 16, which all incorporate the above-emboldened-italicized limitations in the above-reproduced claim 1, together with their dependent claims, should also be allowable. Hence, Applicants once more respectfully request reconsideration, allowance and passage to issue of the claims in the application.

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